UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Marcos GARCIA-Gonzalez** Defendant	Magistrate Case No. '08 MJ 1628 **COMPLAINT FOR VIOLATION OF:** Title 8, U.S.C. § 1324(a)(2)(B)(iii) - Bringing in Aliens Without Presentation,

The undersigned complainant, being duly sworn, states:

That on or about **May 25, 2008** within the Southern District of California, defendant **Marcos GARCIA-Gonzalez**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely **Faviola ROJAS-Villa** had not received prior official authorization to come to, enter and reside in the United States, did attempt to bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 27th DAY OF **May 2008.**

UNITED STATES MAGISTRATE JUDGE

GVM

PROBABLE CAUSE STATEMENT

The complainant states that **Faviola ROJAS-Villa**, is a citizen of a country other than the United States; that said alien has admitted she is deportable; that her testimony is material; that it is impracticable to secure her attendance at trial by subpoena; and that she is a material witnesses in relation to these criminal charges and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On **May 25, 2008** at approximately **5:55 PM**, **Marcos GARCIA-Gonzalez (Defendant)** made application for admission into the United States at the San Ysidro Port of Entry as the driver of a brown GMC Sierra. Defendant presented his lawfully issued DSP-150 Laser Visa to a Customs and Border Protection (CBP) Officer. The vehicle Defendant was driving stalled and Defendant was allowed to proceed to the post primary area to fix his vehicle.

During a post primary inspection, Defendant gave two negative declarations to a CBP officer and stated that he had owned the vehicle for about four days. The CBP Officer was advised by a Canine Enforcement Officer that his Human/Narcotic Detection Dog was alerting to the vehicle. The CBP Officer began a search of the vehicle and discovered a person concealed in a non-factory compartment under the front seat. The Defendant and the vehicle were subsequently escorted to secondary.

In secondary, a CBP Officer removed one female from the non-factory compartment under the front seat. The female was determined to be a citizen of Mexico without legal documents to enter the United States and is now identified as: **Faviola ROJAS-Villa (Material Witness).**

During a videotaped proceeding, Defendant was advised of his Miranda rights and elected to answer question without the benefit of an attorney present. Defendant admitted knowledge of the concealed alien and admitted he told Material Witness to keep quiet. Defendant admitted ownership of the vehicle and also admitted that he was smuggling in order to make money. Defendant admitted that he made arrangements with a smuggler known to him as "Sergio" and agreed to drive the brown GMC pickup truck into the United States containing one undocumented alien concealed under the seat. Defendant stated that he was to drive to a house on 43rd Street in San Diego, California. Defendant admitted that $1500.00 USD was to be paid to him upon his return to an unknown house in Tijuana, Baja California, Mexico.

A videotaped interview was conducted with Material Witness. Material Witness stated she is a citizen of Mexico without legal documents to lawfully enter or reside in the United States. Material Witness stated she made her own arrangements with an unknown male smuggler to be smuggled into the United States for $1500.00 USD. Material Witness stated that she was placed under the seat of the vehicle by an unknown male. Material Witness stated she intended to travel to Los Angeles, California to seek employment.